

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF POD 05-033, LOG NO. 06-010-01

AMENDMENTS TO THE COUNTY OF SAN DIEGO SUBDIVISION ORDINANCE AND RESOURCE PROTECTION ORDINANCE

The project proposes to amend the County of San Diego's Subdivision Ordinance and Resource Protection Ordinance (RPO) to resolve inconsistencies and/or to clarify implementation issues within these regulations. Proposed amendments to the Subdivision Ordinance include updating requirements covering condominium conversions, revising processing procedures for Adjustment Plats; allowance for the creation of a Permanent Road Division (PRD) Zone in order to provide a mechanism to ensure on-going funding for the maintenance of private roads; and, adding requirements that subdivisions analyze the feasibility of extending onsite public streets to the boundary of the property. Proposed amendments to the RPO include amendments to the definition section in order to identify certain lands that meet the criteria of an RPO wetland under the definition, but because of certain mitigating factors will not be subject to the development restrictions' under RPO; revisions to the permitted uses and development criteria for wetland and wetland buffer areas to allow for access through wetlands when other alternatives are not feasible and impacts are minimized and mitigated; allowances for wetland enhancement and vegetation management; allowing existing uses that will not result in additional impacts to wetlands; a requirement for net increases in wetlands when any direct impacts are proposed; and, revisions that strengthen the enforcement section of the ordinance.

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

Pursuant to Section 86.102 of the County Regulatory Code, a Habitat Loss Permit is required prior to the approval or issuance of any of the following types of land development applications:

- Grading
- Improvement Plans
- Clearing

Implementation of the proposed ordinance changes will not require permits for grading, improvement plans or clearing. As such, a Habitat Loss Permit is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES ☐ NO ☐ NOT APPLICABLE/EXEMPT ☒

Discussion:

Pursuant to Section 86.503(a)(3) of the Biological Mitigation Ordinance (BMO), adoption or amendments of any ordinance, including but not limited to the Zoning Ordinance are exempt. The Project involves proposed amendments to the Resource Protection Ordinance and Subdivision Ordinance, and therefore is exempt from the BMO and MSCP.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>

Discussion:

As discussed in detail above, the project proposes to amend the County of San Diego's Subdivision Ordinance and Resource Protection Ordinance (RPO) to resolve inconsistencies and/or to clarify implementation issues within these regulations. Proposed amendments to the Subdivision Ordinance include updating requirements covering condominium conversions, revising processing procedures for Adjustment Plats; and, adding requirements that subdivisions analyze the feasibility of extending onsite public streets to the boundary of the property. Proposed amendments to the RPO include amendments to the definition section in order to identify certain lands that meet the criteria of an RPO wetland under the definition, but because of certain mitigating factors will not be subject to the

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V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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Discussion:

The proposed ordinance amendments will not conflict with the intent or requirements of the WPO, which were created in order to reduce to the maximum extent practical the adverse effects of polluted runoff discharges from new and existing development projects.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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Discussion:

The proposed ordinance amendments will not result in the exposure or the generation of potentially significant noise levels which would exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.